

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

WP(C).No. 31005 of 2007(V)

PETITIONER:

**ROSE MARY, W/O. VIJAYAN,
V.R. BHAVAN, KUTTANTHURANNAVILA, KULATHOOR VILLAGE
NEYYATTINKARA.**

BY ADV. SRI.G.SUDHEER.

RESPONDENTS:

**1. DEPUTY SUPERINTENDENT OF POLICE,
NEYYATTINKARA.**

**2. CIRCLE INSPECTOR OF POLICE,
PARASSALA, NEYYATTINKARA TALUK.**

BY GOVT. PLEADER SRI. SALIM.P.A.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.31005 of 2007-N

Judgment

Balakrishnan Nair, J.

The petitioner has approached this Court, alleging harassment from the part of the respondents, who are Police Officers. Her husband is the first accused in Crime No.145/03 of Kozhiyur Police Station, which was registered under Sections 302 and 34 IPC. The final report in the said crime has been filed and the case has been committed by the Judicial First Class Magistrate II, Neyyattinkara for trial to the Sessions Court, Thiruvananthapuram. The said case is numbered as SC No.325/05. Since the husband of the petitioner is absconding, the said case is included in the list of long pending cases as LP No.45/05. The father of the victim, who was killed in the crime, has approached this Court, alleging police inaction in apprehending the petitioner's husband. Therefore, the Police are summoning her time and again to the police station and detaining her there without any justification. According to her, the harassment meted out to her is unauthorised by law and therefore, this Writ Petition is filed, seeking appropriate reliefs.

2. The learned Government Pleader upon instruction submitted that a special investigation team has been constituted to trace out the petitioner's husband. It is apprehended that the petitioner is harbouring her husband and therefore, she has been summoned to the police station by issuing notice to her in writing. The allegations of harassment are denied.

3. It is duty of the Police to apprehend the absconding criminal. For that, they may have to question every one, who is suspected to be connected with him. As part of the investigation, if the presence of the petitioner is necessary, the police can definitely summon her to the police station and question her. We record the submission of the learned Government Pleader that the Police is doing only what is stated above and that no harassment is meted out to the petitioner. The Writ Petition is accordingly closed.

K.BALAKRISHNAN NAIR,JUDGE

22.10.2007

T.R.RAMACHANDRAN NAIR, JUDGE

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